

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
MCALLEN DIVISION

The General Land Office of the State of  
Texas, et al.,

Plaintiffs,

v.

United States Dept. of Homeland  
Security; and Alejandro Mayorkas, *in his  
official capacity as Secretary of the United  
States Dept. of Homeland Security,*

Defendants.

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The State of Missouri; and the State of  
Texas,

Plaintiffs,

v.

Joseph R. Biden, *in his official capacity as  
President of the United States of America; et  
al.,*

Defendants.

Posillico Civil Inc. Coastal  
Environmental Group Inc. dba  
Southern Border Constructors, and  
Randy Kinder Excavating, Inc., *doing  
business as* RKE Contractors,

Plaintiffs-Intervenors,

v.

Civil Action No.: 7:21-CV-00272

Civil Action No. 7:21-CV-00420

Joseph R. Biden, *in his official capacity as* )  
*President of the United States of America;* )  
 The United States of America; Alejandro )  
 Mayorkas, *in his official capacity as* )  
*Secretary of the United States Dept. of* )  
*Homeland Security;* United States Dept. of )  
 Homeland Security; Troy Miller, *in his* )  
*official capacity as Acting Commissioner of* )  
*the United States Border Protection;* and )  
 United States Customs and Border )  
 Protection, )  
 )  
 Defendants. )

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**POSILICO CIVIL INC. COASTAL ENVIRONMENTAL GROUP INC.  
*doing business as* SOUTHERN BORDER CONSTRUCTORS and  
 RANDY KINDER EXCAVATING INC. *doing business as* RKE CONTRACTORS’  
 UNOPPOSED JOINT MOTION FOR AN EXTENSION OF TIME TO REPLY TO  
 THE OPPOSITIONS TO THEIR MOTIONS TO INTERVENE AND TO EXCEED  
 WORD LIMIT FOR CONSOLIDATED REPLIES TO THE MOTIONS TO  
 INTERVENE**

Posillico Civil Inc. Coastal Environmental Group Inc. d/b/a Southern Border Constructors and Randy Kinder Excavating, Inc., d/b/a RKE Contractors (“Intervenors”) jointly move for the Court to extend the deadline for Intervenors to reply to the Plaintiffs’ and Defendants’ Oppositions to their motions to intervene until May 24, 2024; to allow them to each file unified replies to the Oppositions; and to increase the word limit for their respective unified replies to 3,000 words. In support of their joint motion, the parties state as follows:

1. On March 8, 2024, the Court entered an order granting in part Plaintiffs’ Motion for Preliminary Injunction. ECF No. 128.

2. Some twenty days later, the Federal Government sent a letter to the Intervenor's terminating contract settlement negotiations in reliance on this Court's Preliminary Injunction.

3. On April 8 and 9, respectively, Intervenor's filed their motion to intervene. *See* ECF Nos. 148–49.

4. The current plaintiffs and defendants jointly moved the Court set a deadline of May 10, 2024, for Plaintiffs and Defendants to each file consolidated responses to all outstanding motions to intervene. ECF No. 175.

5. The putative intervenors did not oppose that motion.

6. The Court granted that motion. ECF No. 178.

7. Then, the current plaintiffs and defendants moved the Court for an extension of the word limit for their respective responses. ECF No. 182.

8. The Intervenor's took no position on that motion.

9. The Court granted that motion, too. ECF No. 184.

10. Given the complexity and length of the omnibus responses filed by the current plaintiffs and defendants, Intervenor's request an extension of one week, or until May 24, 2024, to reply to the responses.

11. Also like the current plaintiffs and defendants, the Intervenor's would like to each file a singular omnibus reply to the two responses in opposition, rather than each file two separate replies to the two responses.

12. Under the Court's rules, the Intervenor's would be entitled to file separate 2000 word replies to each of the parties' respective responses.

13. Allowing the Intervenor to instead file a unified, longer reply would allow the Intervenor to efficiently address overlap between the current parties' positions and decrease the volume of briefing before the Court.

14. Consequently, the Intervenor request permission to each file one unified reply to the parties' respective responses and a concomitant increase in their replies' respective word limits from 2000 words to 3000 words.

15. The Intervenor have communicated their intent to seek the relief sought in their motion to the current parties and the other putative intervenors. No party objects to the relief sought.

16. A proposed order granting the parties' joint motion is attached as Exhibit 1.

### CONCLUSION

For the foregoing reasons, the parties respectfully move the Court to allow the Intervenor to each file a consolidated reply of 3000 words to the present parties' responses in opposition , and to extend the deadline for those replies until May 24, 2024.

Respectfully submitted, this 14th day of May, 2024.

/s/ Scott Burnett Smith

Scott Burnett Smith

Texas State Bar No. 24119040

Southern District of Texas Bar No. 2923954

Telephone: (256) 517-5198

Facsimile: (256) 517-5298

Email: [ssmith@bradley.com](mailto:ssmith@bradley.com)

**Attorney-In-Charge for POSILLICO CIVIL  
INC. COASTAL ENVIRONMENTAL  
GROUP INC. dba SOUTHERN BORDER  
CONSTRUCTORS and  
RANDY KINDER EXCAVATING, INC.  
*doing business as* RKE CONTRACTORS.**

Of Counsel:

BRADLEY ARANT BOULT CUMMINGS LLP  
[200 Clinton Avenue W Suite 900](#)  
[Huntsville, AL 35801](#)  
Telephone: (256) 517-5100  
Facsimile: (256) 517-5200

#### **CERTIFICATE OF COMPLIANCE**

I certify that the foregoing document contains 492 words, exclusive of matters designated for omission, as counted by Microsoft Word.

/s/ Scott Burnett Smith  
Scott Burnett Smith

#### **CERTIFICATE OF SERVICE**

I certify that on May 14th 2024, a true and accurate copy of the foregoing document was electronically filed through the Court's CM/ECF System and that a copy of the foregoing will be sent via email to all parties by operation of the Court's electronic filing system, all consistent with Federal Rule of Civil Procedure 5(b).

/s/ Scott Burnett Smith  
Scott Burnett Smith